



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

HORTON *et al.*

Appl. No. 09/557,907

Filed: April 21, 2000

For: **Treatment of Cancer Using  
Cytokine-Expressing  
Polynucleotides and Compositions  
Therefor**

Confirmation No. 9397

Art Unit: 1632

Examiner: Wilson, M.C.

Atty. Docket: 1530.0060004/EKS/EJH

TECH CENTER 1632/2900

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**Second Supplemental Information Disclosure Statement**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. The numbering on this Second Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' First Supplemental Information Disclosure Statement filed on October 23, 2000 in connection with the above-captioned application. A copy of each unique document is also provided. Documents AS38, AT38, AR39, AT41, and AR42 have the identical specification, so only one copy is provided. Documents AT39 and AT40 have the identical specification, so only one copy is provided.

The Examiner's attention is directed to co-pending U.S. Patent Application Nos. U.S. Patent Application No. 08/481,932, filed June 7, 1995, document AS38; U.S. Patent Application No. 08/486,508, filed June 7, 1995, document AT38; U.S. Patent Application No. 08/486,533, filed June 7, 1995, document AR39; U.S. Patent Application No. 09/092,486, filed June 5, 1998, document AS39;

U.S. Patent Application No. 09/478,457, filed January 6, 2000, document AT39;

U.S. Patent Application No. 09/534,943, filed March 24, 2000, document AR40;

U.S. Patent Application No. 09/580,463, filed May 26, 2000, document AS40;

U.S. Patent Application No. 09/588,655, filed June 6, 2000, document AT40;

U.S. Patent Application No. 09/629,430, filed July 31, 2000, document AR41;

U.S. Patent Application No. 09/839,574 filed April 23, 2001, document AS41;

U.S. Patent Application No. 10/028,782, filed December 28, 2001, document  
AT41;

U.S. Patent Application No. 10/202,858, filed July 26, 2002, document AR42;

which may be directed to related technical subject matter. The identification of the U.S. Patent Application is not to be construed as a waiver of secrecy as to that application now or upon the issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited application and the art cited therein during examination.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the

teachings purportedly offered. This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

This Information Disclosure Statement is being filed before the mailing of a first Office action after the filing of a Request for Continuing Examination under 37 C.F.R. § 1.114. No fee is believed to be due.

Consideration of the cited documents and making the same of record in the prosecution of the above-identified application is respectfully requested. The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

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